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The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Noticed Hearings, Discussion

ITEM-330: Reconsideration of Crescent Heights. (Mira Mesa Community Plan Area. District 5.)

Matter of approving, conditionally approving, modifying or denying changes by the California Coastal Commission to an approved Community Plan Amendment and Rezone which if approved by the City Council and then certified by the California Coastal Commission would allow a Vesting Tentative Map, Planned Residential Development Permit and Coastal Development Permit to subdivide 185.27 acres and develop 113 single-family dwellings and 129 multi-family dwellings, public improvements, landscaping, slopes and brush management areas on approximately 35.38 acres of the site, dedication of 149.89 acres of open space to the City for conservation and rezoning the property from the AR-1-1 (previously A-1-10) to the RX-1-2 (previously R1-5000/SLO), RM-2-5 (previously R-1500) and the OC-1-1 (Open Space-Conservation) located north and south of Calle Cristobal, east and west of Camino Santa Fe in the Mira Mesa Community Plan area.

CITY MANAGER'S RECOMMENDATION: Introduce the ordinance in subitem A; and adopt the resolutions in subitems B and C.

ITEM-331: Esperanza Townhomes. (Encanto Neighborhoods of the Southeastern San Diego Community Plan Area. District 4.)

Matter of approving, conditionally approving, modifying or denying Progress Guide and General Plan Amendment/Community Plan Amendment No. 181902; Rezone No. 181901; Vesting Tentative Map No. 249328 and waiver to the requirement for the undergrounding of the existing overhead utilities, and Site Development Permit No. 181907 to allow for the demolish of an existing single-family residence and associated structures, and consolidate three parcels into one lot, to construct a 29 unit multi-family condominium project (includes 3 affordable housing units) known as the Esperanza Townhomes, located at 502 62<sup>nd</sup> Street on the northwest corner of Akins Avenue and 62<sup>nd</sup> Street within the Southeastern San Diego Planned District, and the Encanto neighborhoods of the Southeastern San Diego Community Planning Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A and B; introduce the ordinance in subitem C; adopt the resolution in subitem D to grant the permit; and adopt the resolution in subitem E to grant the map.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Noticed Hearings, Discussion (Continued)

ITEM-332: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City's Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels "C" and "D" East of Petco Park. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Community Area. Districts 2 and 8.)  
CENTRE CITY DEVELOPMENT CORPORATION'S  
RECOMMENDATION: Adopt the resolutions.

ITEM-333: Two actions related to the Proposed Owner Participation Agreement (OPA) with Pinnacle International Development, Inc. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)  
CENTRE CITY DEVELOPMENT CORPORATION'S  
RECOMMENDATION: Adopt the resolutions.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

ADOPTION AGENDA, DISCUSSION, HEARINGS

## NOTICED HEARINGS:

## ITEM-330: Reconsideration of Crescent Heights.

Matter of approving, conditionally approving, modifying or denying changes by the California Coastal Commission to an approved Community Plan Amendment and Rezone which if approved by the City Council and then certified by the California Coastal Commission would allow a Vesting Tentative Map, Planned Residential Development Permit and Coastal Development Permit to subdivide 185.27 acres and develop 113 single-family dwellings and 129 multi-family dwellings, public improvements, landscaping, slopes and brush management areas on approximately 35.38 acres of the site, dedication of 149.89 acres of open space to the City for conservation and rezoning the property from the AR-1-1 (previously A-1-10) to the RX-1-2 (previously R1-5000/SLO), RM-2-5 (previously R-1500) and the OC-1-1 (Open Space-Conservation) located north and south of Calle Cristobal, east and west of Camino Santa Fe in the Mira Mesa Community Plan area.

**The Crescent Heights project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the Crescent Heights project will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, 1222 First Avenue, MS 302 San Diego, CA 92101, John S. Fisher before the close of the City Council Public Hearing.**

(Project No. 1657. EIR LDR No. 99-0639. CPA-LCP Amendment No. 10747/RZ No. 10712. Mira Mesa Community Plan Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in subitem A; and adopt the resolutions in subitems B and C:

Subitem-A: (O-2006-35)

Introduction of an Ordinance of the Council of the City of San Diego changing 188.63 acres, north and south of Calle Cristobal, east and west of Camino Santa Fe in the Mira Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (previously referred to as A-1-10 Zone) to the RX-1-2, RM-2-5 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0404, 131.0406 and 131.0203; And repealing Ordinance No. 18451 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

Subitem-B: (R-2006-236)

Adoption of a Resolution certifying that the information contained in the final Environmental Impact Report, LDR No. 99-0639, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Crescent Heights;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2006-237)

Adoption of a Resolution amending the Mira Mesa Community Plan, the Local Coastal Program Land Use Plan and the Progress Guide and General Plan;

That this amendment is not effective until unconditionally certified by the California Coastal Commission.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 29, 2003, when considering the previous amendments and rezone, voted unanimously 5-0 to recommend approval of the staff recommendation; was opposition.

Ayes: Lettieri, Ontai, Chase, Steele, Garcia

Recusing: Brown

Not present: Schultz

The Mira Mesa Community Planning Group on March 17, 2003, when considering the previous amendments and rezone, voted 14-0-1 to approve the earlier design of the project.

**CITY MANAGER SUPPORTING INFORMATION:**

On July 1, 2003, the City Council by a unanimous vote of 9:0:0 approved Item 332, the Crescent Heights project, which included certifying the Environmental Impact Report LDR No. 99-0639 and all other related subitems.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The project included a rezone from AR-1-1 to the proposed RX-1-2, RM-2-5 and OC-1-1 zones, a community plan and local coastal plan amendment, a vesting tentative map, a planned residential development and coastal development permit and MHPA boundary line adjustment to allow a multi- and single family development on 35.2 acres of a 185.2 acre site at Calle Cristobal and Camino Santa Fe in the Mira Mesa Community. The Local Coastal Plan Amendment included the community plan amendment and rezone.

On March 17, 2005, the California Coastal Commission acted on the Local Coastal Plan Amendment for the Crescent Heights project. The Commission significantly modified the Local Coastal Plan Amendment thus requiring the City Council to reconsider the modified Rezone and Mira Mesa Community Plan Amendment/Local Coastal Program Amendment. The Coastal Commission reduced the area to be zoned for development and increased the area to be open space. The Commission also modified the community plan amendment consistent with the new zoning boundaries. It is requested the City Council consider the revised zoning and community plan amendment.

When considering the previous amendments and rezone, the Mira Mesa Group voted 14-0-1 to approve the earlier design of the project on March 17, 2003.

When considering the previous amendments and rezone, the Planning Commission, on May 29, 2003, voted unanimously 5:0:0 to recommend approval of the staff recommendation.

City staff recommends adoption of rezone No. 10712 and approval of the community plan and local coastal program amendment No. 10747.

**FISCAL IMPACT:**

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Oppenheim/Halbert/JSF

**LEGAL DESCRIPTION:**

The project site is located approximately 16 miles north of downtown San Diego and approximately 3 miles east of Interstate 5, in the Mira Mesa Community Plan area in the City of San Diego.

Staff: John S. Fisher – (619) 446-5231.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: Esperanza Townhomes.

Matter of approving, conditionally approving, modifying or denying Progress Guide and General Plan Amendment/Community Plan Amendment No. 181902; Rezone No. 181901; Vesting Tentative Map No. 249328 and waiver to the requirement for the undergrounding of the existing overhead utilities, and Site Development Permit No. 181907 to allow for the demolish of an existing single-family residence and associated structures, and consolidate three parcels into one lot, to construct a 29 unit multi-family condominium project (includes 3 affordable housing units) known as the Esperanza Townhomes, located at 502 62<sup>nd</sup> Street on the northwest corner of Akins Avenue and 62<sup>nd</sup> Street within the Southeastern San Diego Planned District, and the Encanto neighborhoods of the Southeastern San Diego Community Planning Area.

(Project No. 60959. PG&GPA/CPA/RZ/VTM/SDP. Encanto Neighborhoods of the Southeastern San Diego Community Plan Area. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B; introduce the ordinance in subitem C; adopt the resolution in subitem D to grant the permit; and adopt the resolution in subitem E to grant the map:

Subitem-A: (R-2006-243)

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 60959, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Esperanza Townhomes-Project No. 60959;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-244)

Adoption of a Resolution amending the Southeastern San Diego Community Plan, attached hereto, a copy of which is on file in the Office of the City Clerk;

That the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-36)

Introduction of an Ordinance changing 1.35 Acres located on the northwest corner of Akins Avenue and 62<sup>nd</sup> Street, within the Southeastern San Diego Planned District and the Encanto Neighborhoods of the Southeastern San Diego Community Plan Area, in the City of San Diego, California, from the SF-6000 and the MF-3000 Zones into the MF-1500 Zone, as defined by San Diego Municipal Code Sections 103.1706; and repealing Ordinance No. 16921 (New Series), Adopted August 3, 1987, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006- )

Adoption of a Resolution granting or denying Site Development Permit No. 181907, with appropriate findings to support Council action.

Subitem-E: (R-2006- )

Adoption of a Resolution granting or denying Vesting Tentative Map No. 249328, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

**OTHER RECOMMENDATIONS:**

Planning Commission on August 25, 2005, voted 5-0 to approve; no opposition.

Ayes: Garcia, Otsuji, Steele, Ontai, Schultz

Not present: Chase, Griswold

On February 22, 2005, the Encanto Neighborhoods Community Planning Group voted 7-3-0 to recommend approval of with four conditions. All four conditions have been incorporated within the proposed project as recommended by the community group.

**CITY MANAGER SUPPORTING INFORMATION:**

This is an Affordable/In-Fill Housing Expedite Project. The project proposes to demolish an existing single-family residence and associated structures, and consolidate three parcels into one lot to construct a 29 unit multi-family condominium development consisting of 6 detached, three-story, residential structures on a 1.02 acre site. Each of the proposed condominium units would contain three-bedrooms and approximately 1,105 square-feet of living area with an attached 456 square-foot, two car garage. The project site is located at 502 62<sup>nd</sup> Street on the northwest corner of Akins Avenue and 62<sup>nd</sup> Street. The project site is also located within the Central Imperial Redevelopment Project Area; however, the proposed project is not a City of San Diego Redevelopment Agency (Southeastern Economic Development Corporation) project.

This project requires amendments to the Progress Guide and General Plan and the Southeastern San Diego Community Plan; Rezone; Vesting Tentative Map and waiver to the requirement for the undergrounding of the existing overhead utilities; and a Site Development Permit. The project site consists of two different community plan designations and two different zoning designations. An amendment to the Progress Guide and General Plan, and the Southeastern San Diego Community Plan will redesignate the project site from Residential- Low Density (5-10 du/ac) and Residential-Low Medium Density (10-15 du/ac) to Residential-Medium-High Density (15-30 du/ac). The proposed amendment will allow a range of 15 to 30 units on the subject site where a range of 8 to 13 units is currently allowed.

The Rezone action will rezone the project site from SF-6000 and MF-3000 to MF-1500, a multi-family residential zone which allows a maximum 29 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The Site Development Permit is required for multi-family residential developments of four or more units within the Southeastern San Diego Planned Districts, to deviate from development regulations, and for encroachment within Environmentally Sensitive Lands (floodplain).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The proposed project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria by setting aside at least 10 percent (3 units) of the total for sale-dwelling units on-site for households with an income at or below 100 percent Area Median Income (AMI).

**FISCAL IMPACT:**

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

Oppenheim/Halbert/JAP

**LEGAL DESCRIPTION:**

The proposed project is located on the northwest corner of Akins Avenue and 62<sup>nd</sup> Street, within the Southeastern San Diego Planned District and the Encanto Neighborhood of the Southeastern San Diego Community Planning Area and is more particularly described as Lots 35-37, Garden Acres, Map 1797.

Staff: Jeffrey A. Peterson (619) 446-5237.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City's Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels "C" and "D" East of Petco Park.

(See Centre City Development Corporation Report No. CCDC-05-25/ CCDC-05-11 and memorandum from Centre City Development Corporation dated 9/15/2005. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Community Area. Districts 2 and 8.)

(Continued from the meeting of September 20, 2005, Item S501, at the request of Councilmember Madaffer, for further review of legal issues surrounding this item.)

**NOTE:** Hearing Open. Testimony taken on September 20, 2005.

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-219)

Approving the sale of certain property generally located to the immediate south of the intersection of Park Boulevard and the 12<sup>th</sup> Avenue trolley right-of-way (east of Petco Park) in the Centre City Redevelopment Project Area (Agency Sale Parcel) to Ballpark Village LLC, and approving the Owner Participation Agreement, The Master Plan and the Affordable Housing Agreement pertaining to parcels C and D (including the Agency Sales Parcel), and making certain findings with respect to such sale.

Subitem-B: (R-2006-218)

Approving a variance to the City's Inclusionary Housing Ordinance in the form of an Affordable Housing Agreement by and between the Redevelopment Agency of the City of San Diego, Ballpark Village LLC, and the San Diego Housing Commission.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-C: (R-2006-217)

Certifying the final addendum to the final subsequent Environmental Impact Report to the final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed ballpark and ancillary development projects, and associated plan amendments, making certain findings of fact and adopting a statement of overriding considerations (Ballpark Village).

**SUPPORTING INFORMATION:**

ENVIRONMENT IMPACT: The City and Agency certified the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments on October 26, 1999 (The "SEIR"). On October 30, 2003, the City and Agency certified a Final Addendum to the SEIR for the East Village Square Development. In order to evaluate the Ballpark Village Phase II Ancillary Development Proposal, a Final Addendum has been prepared for the development proposed by the Master Plan and OPA.

The Draft Addendum was circulated for public review from April 21 to May 6, 2005.

Comments received on the draft addendum, and appropriate responses to those comments, have been incorporated into the final addendum to the SEIR dated August 8, 2005. The conclusion of the final addendum is that neither the Ballpark Village Development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or the feasibility of mitigation measures or alternatives.

Attachment A to the proposed Council and Agency resolutions certifying the final addendum includes specific findings of fact briefly summarizing the basis for the conclusions contained in the addendum regarding each environmental topic that was considered and explaining why preparation of a subsequent or supplemental EIR was not required. Attachment A also includes a statement of overriding considerations because there are certain impacts of the project, which, despite adoption of all feasible mitigation measures, cannot be fully mitigated to a level that is less than significant. These impacts -- Air Quality (long-term cumulative impacts of the Centre City Redevelopment Project); Land Use/Planning (displacement of homeless) populations in Ballpark and ancillary development projects area were previously analyzed in the SEIR and a statement of overriding considerations was adopted when the ballpark and ancillary development project was approved in 1999.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

**SUPPORTING INFORMATION:** (Continued)

While these impacts are not more severe for the Ballpark Village Project (and, in fact, are in some cases actually lessened), because the impact conclusion remains significant, a new statement of overriding considerations for the Ballpark Village project is recommended.

Hall/Hamilton/LY

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Two actions related to the Proposed Owner Participation Agreement (OPA) with Pinnacle International Development, Inc.

(See Centre City Development Corporation Report CCDC-05-24/CCDC-05-10. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-301)

Approving the sale of certain property, located on a portion of the block bounded by Island Avenue and 14<sup>th</sup>, 15<sup>th</sup>, and J Streets, approximately 619 residential condominium units and approximately 22,000 square feet of retail space, and a public park, in the Centre City Redevelopment Project Area to Pinnacle International Development, Inc.; approving the Owner Participation Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2006-300)

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (SEIR), and the Secondary Study with respect to the Owner Participation Agreement between the Redevelopment Agency of the City of San Diego and Pinnacle International Development, Inc. for the development of the block bounded by Island Avenue and 14<sup>th</sup>, 15<sup>th</sup>, and J Streets; and making certain findings and determinations regarding environmental impacts of the development.

**NOTE:** This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of October 11, 2005 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT